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TO

Reduce the number of Judges in the Landed Estates Court
in Ireland. A.D. 1871.

WHEREAS by an Act passed in the session of Parliament held in the twenty-first and twenty-second years of the reign of Her present Majesty, intituled "An Act to facilitate the Sale and "Transfer of Land in Ireland," (in this Act referred to as "the
5 "Act of 1838,") The Landed Estates Court in Ireland (in this Act referred to as "The Landed Estates Court") was constituted with power to exercise the jurisdiction and authority thereby vested in the said court :

And whereas by The Landed Estates Court Act, 1866, (in this
10 Act referred to as "the Act of 1866,") it was enacted that there should be two judges only of the Landed Estates Court :

And whereas a vacancy has arisen in consequence of the death of David Lynch, one of the judges of the said court, and it is not expedient, having regard to the state of the judicial business of
15 the said court, that such vacancy should be filled up :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

20 1. There shall be one judge only of the Landed Estates Court, and all powers and authorities which might by law be exercised
by two judges may be exercised by the existing judge of the court, and by his successors in office. To be one
judge only of
the court.

2. There shall be paid to the judge a salary of *three thousand*
25 *five hundred pounds*, such salary shall be in lieu of the salary provided by the herein-before recited Act of 1866, and charged upon and payable out of the consolidated fund in the same manner in all respects as the salary provided by the said Act and the Act of 1858. Salary of
judge.

[Bill 182.]

A.D. 1872. The provisions of the said Acts with respect to retiring pensions of the judges therein mentioned shall be applicable to the judge of the said court as constituted by this Act.

Rank of judge.

3. The judge shall have rank and precedence with the puisne judges of Her Majesty's superior courts of common law, and the judge of the Court of Probate according to the date of his appointment: Provided that the existing judge shall rank as if his appointment had been made immediately upon the passing of this Act.

Provision in case of illness, &c. of judge.

4. In case the judge of the Landed Estates Court shall be prevented by illness or other cause from sitting as such judge or in any suit or matter in which such judge, his wife or child shall have an interest, the Lord Chancellor of Ireland may by writing under his hand authorise the Master of the Rolls, the Vice-Chancellor, or any puisne judge of the superior courts of common law in Ireland to act as judge of the Landed Estates Court, and the Master of the Rolls, Vice-Chancellor, or puisne judge of any of the said superior courts (hereinafter referred to as acting judge) shall thereupon have and exercise all the jurisdiction, power, and authority which might have been exercised by the said judge of the Landed Estates Court, such acting judge may for the purpose of disposing of any suit, matter, or business partly disposed of by him, or in which the judge of the Landed Estates Court, his wife, or child may have an interest, hold or continue his sittings notwithstanding that the judge of the Landed Estates Court may be sitting, or have resumed his sitting, as the case may be.

Chief and other clerks to transact such business as the judge may direct.

5. The examiner, chief clerk, second clerk, and junior clerk attached to the court and chambers of the late Judge Lynch shall be transferred into and employed in the court and chambers of the judge, or, if the judge shall so direct, may, any or every of them be transferred to the Record of Title Office or to some other suitable office of the court: Provided, that such employment or transfer shall not involve any diminution of annual salary to the said officers, or any of them.

Power to Commissioners of Treasury, in concurrence with judge, not to fill up vacancies amongst officers of court.

6. In case of any officers of the court dying or becoming incapable or retiring, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury, in concurrence with the judge, to direct that the vacancy so created shall not be filled up, and to make such provisions for the better organisation of the officers of the said court with a view to efficiency and economy as to them, in concurrence with the judge as aforesaid, shall seem expedient.

7. In the event of the duties of the registrar or of any other officer of the court being increased by reason of the operation of this Act, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury, upon the representation of the judge, to make
 5 such provision for the increase of the annual salaries of such registrar or other officers as to them shall seem proper, and any such increase in such salaries shall be paid out of *such funds as shall be provided by Parliament for such purpose.*

A.D. 1873.

Power to Commissioners of Treasury to increase salaries.

8. Sections eight and twelve of the Act of 1866 shall be and
 10 the same are hereby repealed, and when any vacancy shall occur in the office of the recording examiner, the said office shall be united with the office of such one of the examiners of the said court as the judge of the court shall direct, and thenceforward the said offices shall be filled by the same person. It shall be lawful for
 15 the judge, in case of the illness of such examiner or his absence in vacation or otherwise, to appoint such officer of the court as he shall think fit to discharge the duties of such examiner in the Record of Title Office.

Repeal of sections 8 and 12 of Act of 1866. Record examiner.

9. Every person appointed to the office of registrar, taxing
 20 officer, accountant, or examiner, or to any other office in the court, after the passing of this Act, may be allowed superannuation in pursuance of the Superannuation Act, 1859, and so far as relates to the superannuation or retiring allowance of any such person, the provisions of section twenty of the Act of 1858 shall cease to be
 25 in force or have effect.

Superannuation of officers appointed after passing of Act.

10. Section forty of the Act of 1858 shall be and the same is hereby repealed: Provided always, that such repeal shall not affect anything duly done, or any order duly made under the authority of the said section.

Section 40 of Act of 1858 repealed.

11. The Act of 1858, as the same is amended by the Act of 1866, and this Act shall be construed together as one Act, and in the construction of the said two first-mentioned Acts and of The Record of Title Act (Ireland), 1865, and the Act of the 27 & 28 Vict. c. 38., the terms "judges" and "judge" shall be respectively construed to
 35 mean the judge of the Landed Estates Court.

Construction of Act.

12. This Act may be cited for all purposes as the "Landed Estates Court (Ireland) Act, 1878."

Short title.

Landed Estates Court
(Ireland) (Judges).

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To reduce the number of Judges in the
Landed Estates Court in Ireland.

(Prepared and brought in by
The Marquis of Hertington and Mr. Buxton)

Ordered, by The House of Commons, to be Printed,
5. June 1813.

[MIL 181.]

Under 1 os.